

District Judge Ricardo S. Martinez

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ALI REZA NILCHIAN,

Plaintiff/Petitioner,

v.

MICHAEL MUKASEY,<sup>1</sup> Attorney General of  
the United States, et al.,

Defendants/Respondents.

Case No. C08-0172 RSM

JOINT STIPULATION FOR  
REMAND TO USCIS AND  
DISMISSAL

**JOINT STIPULATION**

COMES NOW, the parties, by and through their respective attorneys of record, hereby stipulate and jointly move the Court for an order remanding this matter to United States Citizenship and Immigration Service ("USCIS") and dismissing, without prejudice, the Petition for Naturalization Hearing.

This is an action for a judicial hearing on Plaintiff's application for naturalization (Form N-400). Plaintiff alleges a delay by USCIS and the FBI in adjudicating the matter. The parties have been advised that, subsequent to the filing of suit, all necessary background checks and investigations have been completed and USCIS is now ready to adjudicate the matter and issue a decision on Plaintiff's application for naturalization.

<sup>1</sup> Mr. Mukasey is substituted as Attorney General for his predecessor, Acting Attorney General Peter D. Keisler, pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

Accordingly, the parties, through their undersigned counsel, hereby stipulate and jointly move that the Court make the following order:

1. The Plaintiff's naturalization application is REMANDED to USCIS for adjudication and issuance of a decision on said application within 30 days after entry of this Order. For purpose of this Order, "adjudications of, and issuance of a decision on" is limited to the decision by USCIS on Plaintiff's naturalization application (N-400) and does not include any decision by USCIS regarding any subsequent administrative appeal by Plaintiff, pursuant to 8 C.F.R. § 336.2, in the event the application is adjudicated negatively.

2. This action is DISMISSED without prejudice and without costs or attorney fees.

3. The Court shall retain jurisdiction to enforce the terms of this stipulation.

DATED this 27th day of March, 2008.

DATED this 27th day of March, 2008.

/s/ Priscilla T. Chan  
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/s/ Bart Klein  
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### **ORDER**

The parties having so stipulated, the above is SO ORDERED. The Clerk is directed to send copies of this Order to all counsel of record.

DATED this 28<sup>th</sup> day of March, 2008.



RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE

1 Presented by:  
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3 /s/ Bart Klein  
4 BART KLEIN WSBA #10909  
5 Attorney for Petitioner  
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7 /s/ Priscilla T. Chan  
8 PRISCILLA T. CHAN, WSBA #28533  
9 Assistant United States Attorney  
10 Attorney for Respondents  
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